

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**EVERICK L. MONK,
ADC #104809**

PLAINTIFF

V. CASE NO. 5:19-CV-109-KGB-BD

**ARKANSAS DEPARTMENT
OF CORRECTION**

DEFENDANT

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections:

This Recommended Disposition (“Recommendation”) has been sent to Judge Kristine G. Baker. Mr. Monk may file written objections to this Recommendation if he disagrees with its findings or conclusion. If objections are filed, they should be specific and should include the factual or legal basis for the objection.

To be considered, objections must be received in the office of the Court Clerk within 14 days of this Recommendation. If no objections are filed, Judge Baker can adopt this Recommendation without independently reviewing the record. By not objecting, Mr. Monk may waive any right to appeal questions of fact.

II. Discussion:

Everick L. Monk, an Arkansas Department of Correction inmate, filed this civil rights lawsuit under 42 U.S.C. § 1983. (Docket entry #1) Because of Mr. Monk’s litigation history, he is not eligible for *in forma pauperis* status absent allegations that he

is in imminent danger of serious bodily injury.¹ He did not plead facts indicating imminent danger of serious physical injury; thus, the Court ordered him to pay the statutory filing fee within 30 days of April 2, 2019, if he wished to pursue his claims. (#2)

On April 12, Mr. Monk filed a notice of his change in address. On that same day, the Clerk of Court sent Mr. Monk a second copy of the order requiring him to pay the \$400 filing fee requirement within 30 days. In that order, the Court specifically cautioned Mr. Monk that his claims could be dismissed, without prejudice, if he failed to pay the filing fee. (#2) As of this date, Mr. Monk has not paid the filing fee, as ordered. The time to do so has expired.

III. Conclusion:

The Court recommends that Mr. Monk's claims be DISMISSED, without prejudice, based on his failure to comply with the Court's April 2, 2019 Order and his failure to prosecute this lawsuit.

DATED this 18th day of June, 2019.


UNITED STATES MAGISTRATE JUDGE

¹ The following dismissals constitute "strikes" against Mr. Monk for purposes of determining eligibility for IFP status: *Monk v. Deppa, et al.*, E.D. Ark. Case No. 5:97cv213; *Monk v. Norris, et al.*, E.D. Ark. Case No. 4:98cv382; *Monk v. Lay, et al.*, E.D. Ark. Case No. 5:99cv305; and *Monk v. Reed, et al.*, E.D. Ark. Case No. 5:00cv161.